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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JEREMIAH JAPHET,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-cv-
)	
CITY OF BETHEL,)	
)	NOTICE OF REMOVAL
Defendant,)	
)	
vs.)	
)	
YUKON-KUSKOKWIM HEALTH)	
CORPORATION, and ERIC PETER,)	
)	
Third Party Defendants.)	
)	

The United States, through counsel, notifies this Court of the removal of this
action from the Superior Court for the State of Alaska, Fourth Judicial District at Bethel.

The notice is based on the following:

1. Plaintiff filed a Complaint against the City of Bethel, and the City of Bethel filed a third-party complaint against Yukon-Kuskokwim Health Corporation (YKHC) and Eric Peter, in the Superior Court for the State of Alaska, Fourth Judicial District at Bethel, Case No. 4BE-11-213 CI. A copy of the Complaint and Third Party Complaint are attached with this Notice of Removal.

2. The City of Bethel has alleged medical malpractice tort claims for personal injury and compensatory damages against YKHC for medical services plaintiff allegedly received from YKHC.

3. YKHC is an Alaska Native contractor that is funded and operated under a contract or compact between YKHC and the Department of Health and Human Services, Indian Health Service (DHHS/IHS), pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. §§450a to n. For claims for personal injury resulting from the performance of medical, surgical, dental, or related functions, YKHC is deemed to be part of the Federal Public Health Service (PHS), pursuant to 25 U.S.C. §450f(d). Further, with respect to claims resulting from the performance of its ISDEAA contract or compact with the IHS, YKHC is deemed to be part of the IHS and any civil action against YKHC involving such claims is deemed to be an action against the United States subject to the provisions of the Federal Tort Claims Act (FTCA), pursuant to 25 U.S.C. §450(f). Thus, claims against YKHC are deemed to be an action

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against the United States under the FTCA.

4. The remedy provided by the FTCA for tort claims against the United States is the exclusive remedy and this Notice of Removal is brought pursuant to 25 U.S.C. §450f; 28 U.S.C. §§1331, 1346, 2679(b)(1); and 42 U.S.C. §233.

5. A Notice of Filing Removal of a Civil Action, together with a copy of this Notice are being filed with the State court where the action is pending.

RESPECTFULLY SUBMITTED, on September 17, 2012.

KAREN L. LOEFFLER
United States Attorney

s/Richard L. Pomeroy
Assistant U.S. Attorney
Attorney for the United States

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2012,
a copy of the foregoing NOTICE OF REMOVAL
was served via U.S. mail on

Attorney for Plaintiff
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